THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19082 of 1997

Dated: 19.01.2007

Between:

Marava Venkata Ramanappa S/o Subbanna
R/o Nallasanivaripally H/o Chamchenu Bayalu,
Gandlapenta Mandal, Anantapur District.

..... PETITIONER

AND

The Revenue Divisional officer (LAO),
Penukonda, Anantapur District
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

Petitioner is the absolute owner of the land admeasuring Ac.0.85½ cents in Sy.No.147/1 of Chamachenu Bayalu village of Gandlapenta Mandal, Anantapur District. While so, the Government proposed to acquire the said land for providing house sites to the weaker sections of the society and to that effect a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") was issued and published in the Anantapur District Gazette on 25.02.1997. Enquiry was also conducted under Section 5-A of the Act, and thereafter, draft declaration under Section 6 of the Act was issued and published in the Anantapur District gazette on 01.07.1997. Now the grievance of the petitioner is that he is a small farmer and that he is eking out his livelihood by raising mango garden in the said land, and if

the said land is acquired, he would be deprived of his livelihood. His further grievance is that though he filed objections to the notification under Section 4(1) of the Act, the same was not considered in the enquiry conducted under Section 5-A of the Act, and the enquiry was conducted as a formality, and that though there are Government lands nearby the land of the petitioner, only the land of the petitioner is sought to be acquired. Hence, he seeks to set aside the notification issued under Section 4(1) of the Act, which was published in the Gazette on 25.02.1997, and the draft declaration issued under Section 6 of the Act, which was published in the Gazette on 01.07.1997.

A detailed counter is filed on behalf of the respondents stating that there are 30 houseless poor families at Nallasanivaripalli and they are all in need of house sites and as no other alternative Government land is available in and around the village to provide house sites to those families, it has become inevitable to acquire the land of the petitioner and also some other lands. It is also stated in the counter that notice was served on the petitioner to appear for the enquiry under Section 5-A of the Act and accordingly he appeared and filed objections, and in the enquiry it was revealed that the petitioner is not a small farmer and he has other lands and therefore, the objections raised by him were rejected by the Land Acquisition Officer and the acquisition proceedings were proceeded further in accordance with the Act.

Heard the counsel on either side.

In the light of the specific averments made by the respondents in the counter that it has become inevitable for the Government to acquire the land of the petitioner and as enquiry under Section 5-A of the Act was also conducted, this Court is of the view that the grounds raised by the petitioner are untenable. Though the petitioner pleads that he is a small farmer, it does not mean that lands of the small farmers, if it is inevitable, shall not be acquired. Hence, this Court sees no merit in this

writ petition, and the same is liable to be dismissed.

However, it is represented that pursuant to the direction of this Court, while admitting the writ petition, that the respondents shall proceed further under the Act, award enquiry was completed and the compensation was fixed. In the light of the same, the respondents are directed to pay compensation fixed by the Land Acquisition Officer to the petitioner.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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19.01.2007

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